

**Enrolled Minutes of the Ninety-Fifth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Meeting
Monday, August 12, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, August 12, 2019 at 6:33 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding conducted in the anteroom to the plenary meeting room. Once completed the Town Council moved to the plenary meeting room. In addition, the Town Council discussed actual hours worked by the part-time positions being reauthorized for eligible status to be offered group health insurance.

The Town Council President, Steve Wagner presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Police Chief; Dave Byers, CPRP, Recreation Director; William R. Timmer, Jr., CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building were present.

Also present: Larry Kondrat of the Board of Waterworks Directors; and Ed Dabrowski, IT Director (Contract) were also present.

Guests: Robin Carlascio of the Idea Factory was also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 22 July 2019 was approved by general consent.

Special Orders:

1. Consideration of Proposed Additional Appropriations: (non-controlled funds)
Proposed Additional Appropriations in Excess of the 2019 Budget for the *Special Public Safety Fund*.

- (a) Attorney verification of Proofs of Publication: The TIMES 26 July 2019. The Town Attorney indicated that the proof of publication complied with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. The following comment or question was received:

1. Larry Kondrat, 8115 Fourth Place East, Highland, expressed support for the proposed additional appropriation and its object of expenditure.

There were no further comments. The Town Council President closed the public hearing.

- (c) Action on **Appropriation Enactment No. 2019-29**: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Special Public Safety Fund in the amount of **\$30,000**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2019-29 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2019-29 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2019-29**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Public Safety Local Income Tax (LIT) Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, as neither fund involves a property tax levy, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Public Safety Local Income Tax (LIT) Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PUBLIC SAFETY LOCAL INCOME TAX FUND

Increase the following account:

249-0000-43049 Public Safety Surveillance Video:	<u>\$ 30,000.00</u>
<i>Total Capital:</i>	\$ 30,000.00

TOTAL for FUND: **\$ 30,000.00**

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of August 2019. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of August 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Steve Wagner, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. Action to ratify the publication of the notice for the hearing on proposed additional appropriations for the **Gaming Revenue Sharing Fund** and the **Community Crossings Matching Grant Fund**.

Councilor Herak moved to ratify and authorize retroactively the publication of the notice of the public hearing for proposed additional appropriations in the Gaming Revenue Sharing Fund and the Community Crossings Matching Grant Fund. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication of the notice was ratified.

3. **Consideration of Proposed Additional Appropriations:** (non-controlled funds) Proposed Additional Appropriations in Excess of the 2019 Budget for the Gaming Revenue Sharing Fund and in the **Community Crossings Matching Grant Fund**.

- (a) Attorney verification of Proofs of Publication: The TIMES 01 August 2019. The Town Attorney indicated that the proof of publication complied with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the public hearing to order. These were the following comments:

1. Larry Kondrat, 8115 Fourth Place East, Highland, first sought clarification on the purposes for the Gaming Revenue Sharing Fund and the Community Crossings Matching Grant Fund. Once clarified, Mr. Kondrat expressed support for the proposed additional appropriation and its object of expenditure.

There were no further comments. The Town Council President closed the public hearing.

- (c) Action on **Appropriation Enactment No. 2019-30:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Gaming Revenue Sharing Fund in the amount of **\$181,903** and in the **Community Crossings Matching Grant Fund** in the amount of **\$1,788,177**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2019-30 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2019-30 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
Appropriation Enactment
Enactment No. 2019-30

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND AND THE COMMUNITY CROSSINGS MATCHING GRANT FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund** and the **Community Crossings Matching Grant Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, as neither fund involves a property tax levy, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND

Reduce Account

Acct. No. 091-0000-31002 Engineering Fees:

\$ 23,500.00
Total Series reductions: \$ 23,500.00

Increase Account

Acct. No. 091-0000-39999 Local Share Transfer CCMGF:

\$ 181,903.00
Total Series Increases: \$ 181,903.00

Fund Total: \$ 181,903.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Community Crossings Matching Grant Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

COMMUNITY CROSSINGS MATCHING GRANT FUND

Increase Account

Acct. No. 104-0000-440 Road Improvement Projects:

\$ 1,788,177.00
Total Series: \$ 1,788,177.00

Fund Total: \$ 1,788,177.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of August 2019. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of August 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for July 2019**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$885,878.00	\$12,909.50
Commercial Additions or Remodeling:	3	0	3	\$89,092.00	\$1,963.50
Signs:	4	0	4	\$9,417.00	\$1,178.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	88	88	0	\$802,693.00	\$17,073.00
Garages:	2	2	0	\$42,756.00	\$1,079.50
Sheds:	2	2	0	\$10,863.00	\$489.00
Decks & Porches:	11	11	0	\$40,217.00	\$2,371.50
Fences:	18	18	0	\$81,674.00	\$2,736.00
Swimming Pools:	2	2	0	\$0.00	\$188.00
DrainTile/ Waterproofing:	7	7	0	\$77,939.00	\$1,716.50
Miscellaneous	13	13	0	\$36,015.00	\$1,694.00
TOTAL:	151	143	8	\$2,076,544.00	\$43,398.50
Electrical Permits	25	20	05		\$2,505.00
Mechanical Permits	29	27	2		\$2,958.00
Plumbing Permits	14	10	4		\$1,800.20
Water Meters	1	1	0		\$270.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	15	11	04		\$2,070.20

July Code Enforcement:

Investigations: 22
 Citations: 02
 Warnings: 22

June Inspections:

Building: 53 Electrical: 44 Plumbing: 22 HVAC: 24
 Electrical Exams: 4

• **Fire Department Report for July 2019**

Type of Call	Month	2nd half of year
General Alarms	15	15
Paid Still Alarms	38	38
Still Alarms	03	03
Total Alarms:	56	340 year

• **Workplace Safety Report for July 2019**

There were no workplace incidents to report in July. The following report was filed.

Department	Injuries this Month	Year to Date 2019	Total in 2018	Restricted Days 2019	Lost Workdays This Year (2019)	Restricted Days Last Year (2018)	Lost Workdays Last Year (2018)
Parks	0	0	4	0	0	0	0
Fire	0	1	0	0	0	0	0
Police	0	2	3	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	2	4	0	0	80	46
Maint.	0	1	1	14	2	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	6	14	14	2	80	46

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Proposed Ordinance No. 1702:** An Ordinance to Amend Sections of Chapter 10.15 of the Highland Municipal Code, Particularly Amending the Provisions Regarding Block Parties, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.

Councilor Herak introduced and moved the consideration of Ordinance No. 1702 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1702 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**Ordinance No. 1702
 of the
 TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND SECTIONS OF CHAPTER 10.15 of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING THE PROVISIONS REGARDING BLOCK PARTIES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services;

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of public safety services generally, particularly related to crowd control, and special event support, for which added time, human resources costs and paperwork ensue;

Whereas, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the chapter regarding special events permits for which certain guidelines related to the regulation of block parties, would be desirable in the administration of the municipality and of benefit to the public should be considered; and,

Whereas, The Town Council determines that such a change of the chapter regarding special events permits amending the chapter to include certain guidelines related to the regulation of block parties, along with some clarifying modifications, to be necessary and desirable in the administration of the municipality and of benefit to the public,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be hereby amended by repealing Section 10.15.030 in its entirety and replacing its with a new, successor section to be numbered as Section 10.15.030, which shall read as follows:

10.15.030 Permit required.

No person shall engage in, participate in, aid, form or start any parade/special event, without a parade/special event permit issued by the chief of police.

Section 2. That the Highland Municipal Code be hereby amended by repealing subdivision (E) of Section 10.15.050 in its entirety and replacing its with a new, successor subdivision to the section to be numbered as subdivision (E) of Section 10.15.050, which shall read as follows:

10.15.050 Permit fees.

(E) Fees will be deposited in the Special Public Safety Fund, as described and authorized in Sections 9.20.010 through 9.20.050 in the Highland Municipal Code, for use according to provisions establishing that fund.

Section 3. That the Highland Municipal Code be hereby amended by adding an entirely new Section to Chapter 10.15 to be numbered as Section 10.15.123, which shall read as follows:

10.15.123 Additional Rules for Block Parties

(A) The signature of a majority of residents in the vicinity of the block party, specifying their support (or absence of objection) for the block party, must be submitted to the Chief's office, on a form that the Chief shall prescribe, no later than one week prior to the block party. The prescribed form shall include the date and time of the party, the location, and the name(s), address(es) and phone number(s) of the person(s) in charge.

(B) All block parties must conclude by 10:30 P.M.

(C) No alcoholic beverages will be served to minors.

(D) Some roadways, due to logistics, may not qualify to be closed. The Police Chief shall be authorized to determine which roadways are affected.

(E) A parade/special event permit for a block party may be cancelled at any time.

(F) The permit holder as the sponsoring the party is responsible for cleanup the same day of the event. Clean up including the removal of barricades must be completed the same day as the event.

(G) Ingress and egress must be provided for emergency vehicles and persons living in the block involved. This means tables/chairs and pop-up tent canopies should be placed nearer the curb line (not blocking driveways or thoroughfare). No structures (i.e. bouncy house, water slide, etc.), will be set up in the street; thus allowing emergency vehicles easy access. (The minimum height is 15' and width is 20' for emergency vehicles.)

(H) A permit must be obtained from the Office of the Clerk-Treasurer allowing amplified music, whether by live performers, disk jockey controlled recorded music or by other means during the event as related to the Noise Ordinance in Highland Municipal Code Chapter 9.70, if applicable.

(I) The permit holder may rent picnic tables through the Parks Department, if needed. It is the responsibility of the permit holder or holders to contact the Parks Department for any rental of tables.

(J) If the permit holder requests or requires barricades for the block party, the Police Chief will work cooperatively with the Public Works Director to cause delivery of the barricades to the address of the permit holder on the day before the date of party.

(K) The permit holder will be responsible for erecting and removing the barricades, which will be picked up from the address of the permit holder the first business day after the party.

(L) The Police Chief shall cause a version of these block party rules to be provided to the permit holder, and require the signature of the permit holder affirming their receipt.

Section 4. That the Highland Municipal Code be hereby amended by repealing subdivision (B) of Section 10.15.130 in its entirety and replacing its with a new, successor subdivision to the section to be numbered as subdivision (E) of Section 10.15.050, which shall read as follows:

10.15.130 Penalty

(B) Any person who violates or fails to comply with HMC Sections 10.15.120 and 10.15.123, or any part thereof, shall be punished by a fine of \$250.00 per violation. ~~Each~~ ~~Every~~ violation of this section shall constitute a separate offense.

Section 5. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 12th day of August 2019. Consideration on same evening of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of August 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- 2. Proposed Ordinance No. 1703.1691-B:** An Ordinance to Amend Ordinance No. 1691 Fixing the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of The Town Of Highland, Indiana Particularly Amending Pay Associated With Code Enforcement In The Building And Inspection Department.

Councilor Herak introduced and moved the consideration of Ordinance No. 1703.1691-B at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1703.1691-B at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1703.1691-B
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND ORDINANCE No. 1691 FIXING THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY AMENDING PAY ASSOCIATED WITH CODE ENFORCEMENT in the BUILDING and INSPECTION DEPARTMENT

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2019 and thereafter as amended;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has been advised that it is desirable to fix a new starting rate for the position of code enforcement officer, based on the recent turnover and related matters; and,

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to particularly modify fix the compensation of the part-time position of Code Enforcement Officer in the Building and Inspection Department for the year ensuing and thereafter,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That Section 8 subdivision (B) of Ordinance No. 1691as amended be further amended by repealing it in its entirety and replacing with a successor subdivision, to be styled as Section 8 subdivision (B) which shall read as follows:

Section 8. Building and Inspection Department. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its Building and Inspection Department as follows:

	Starting Rate	Incumbent Rate
(B) Assistant Inspectors:		
(1) Assistant Inspector Ordinance Enforcement (part-time)	\$10.45 \$16.40	-\$25.65 hr.
(2) Assistant Inspector for Electrical (part-time)	\$ 22.75	-\$30.00 hr.

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. (A) That an emergency exists for the immediate taking effect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and from after its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 12th day of August 2019. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 12th Day of August 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed/defeated by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

3. Resolution No. 2019-28: A Resolution of the Fiscal Body of the Town of Highland Revising A Previous Authorization for Sponsoring the Monthly Radio Show Broadcast On Radio Station WJOB Devoted To The Town Of Highland.

Councilor Zemen moved the passage and adoption of Resolution No. 2019-28. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
Town Council Resolution No. 2019-28

A RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND REVISING A PREVIOUS AUTHORIZATION OF SPONSORING THE MONTHLY RADIO SHOW BROADCAST ON RADIO STATION WJOB DEVOTED TO THE TOWN OF HIGHLAND

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, Section 2.35.030 of the Highland Municipal Code authorizes the Town Council to appropriate funds of the General Fund to pay the expenses incurred in promoting the best interests of the Town;

WHEREAS, The Town of Highland has supported a program broadcast on Radio Station WJOB once a month, in which the subject is the Town of Highland and matters of public interest and import regarding the Town are featured;

WHEREAS, The Town Council passed and adopted Resolution No. 2019-02, on 14th day of January 2019 authorizing a \$200 sponsorship fee per month, without adding the Facebook live feature;

WHEREAS, The Town Council now desires to make findings and determinations necessary to support authorizing the payment of the sponsorship fee to support the monthly program related to the Town of Highland *plus the additional fee that permits live broadcast through Facebook*,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Town Council hereby finds and determines that a monthly radio broadcast on WJOB devoted to news and information about the Town of Highland *promotes the best interests of the Town, may serve to develop relations with other units of government* and is a desirable activity of a civil or governmental nature;

Section 2. That the Highland Town Council hereby further finds and determines as follows:

(A) That the expense of two hundred dollars (\$200) per month to sponsor or support the broadcast of a monthly radio program on WJOB devoted to news and information about the Town of Highland is an expense that *promotes the best interests of the Town, may serve to develop relations with other units of government* and is an expense of a civil or governmental nature; and,

(B) That the additional expense of fifty dollars (\$50) per month to sponsor or support the Facebook Live option rebroadcast of a monthly radio program on WJOB devoted to news and information about the Town of Highland is an expense that *promotes the best interests of the Town, may serve to develop relations with other units of government* and is an expense of a civil or governmental nature; and,

(C) That the expenses previously described are consistent with and pursuant to the authorization set forth in Section 2.35.030 of the Highland Municipal Code to wit:

§ 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That effective for the months of **January through June 2019**, the expense of **two hundred dollars (\$200)** per month is hereby authorized to support the sponsorship of the Radio program on WJOB devoted to the Town of Highland;

Section 4. That effective for the months of **July through December 2019**, the expense of **two hundred fifty dollars (\$250)** per month is hereby authorized to support the sponsorship of the Radio program on WJOB devoted to the Town of Highland;

Section 5. That the proper officer is authorized to encumber funds from the proper account of the Corporation General Fund, payable to WJOB, for the period authorized in Sections 3 and 4 of this resolution;

Section 6. That the Clerk-Treasurer shall process all payments in accordance with the provisions of IC 5-11-10-1.6 and IC 36-5-4 et seq., as all other claims for payment of the Town.

DULY RESOLVED and ADOPTED this 12th Day of August 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Steven Wagner, President

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

- 4. Resolution No. 2019-31:** A Resolution Regarding the Disposition of Appropriated Resources in the Gaming Revenue Sharing Fund, Authorizing Their transfer to the Community Crossings Grant Capital Fund. (*Subject to approval of Enactment No. 2019-30*).

Councilor Vassar moved the passage and adoption of Resolution No. 2019-31. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2019-31**

A Resolution Regarding the Disposition of Appropriated Resources in the Gaming Revenue Sharing Fund, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

WHEREAS, The Town of Highland by proper legislative action has established a **Community Crossings Grant Capital Fund**, pursuant to IC 36-1-3, codified as Article III of Section § 3.45 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.180 (A)(7) provides that resources from this fund may be used: "*to pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;*"

WHEREAS, HMC Section 3.45.129 (A)(3)(a) provides that sources for the Community Crossing Grant Fund may include: "Money transferred into and deposited into the fund created by this section, from such other local matching resources lawful for application to a particular project;"

WHEREAS, IC 8-23-30-3 provides that sources for the *Community Crossing Grant Fund* that are used to serve as a local match for an eligible project funded from the State's **Local Road and Bridge Matching Grant Fund**, includes (1) *any money* the local unit is authorized to use for a local road or bridge project, (2) money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17, or money from the local unit's rainy day fund;

WHEREAS, Section 3.45.100 (B) of the Highland Municipal Code and IC 4-33-12.5-8 support the use of resources in the Gaming Revenue Sharing Fund for local road maintenance and improvements and thereby may serve lawfully as the local match;

WHEREAS, The Public Works Director and the Clerk-Treasurer jointly have requested and recommended the identified amount on deposit to the and appropriated in the *Gaming Revenue Sharing Fund* be transferred to the Community Crossings Grant Capital Fund to support Highland's local road and street projects approved in the grant application; and,

WHEREAS, The Town Council now desires to favor the request and recommendation of the Public Works Director and the Clerk-Treasurer, in support of the projects that will be undertaken from the Community Crossings Grant Capital Fund,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That, it has been shown that certain existing appropriations of the **Gaming Revenue Sharing Fund** are no longer needed for the purposes for which they were appropriated, and are therefore available for a transfer to the Community Crossings Grant Capital Fund;

Section 3. That it is now hereby authorized and instructed that the amount of one hundred eighty-one thousand, nine hundred three dollars (\$181,903) transferred from the proper appropriation of the **Gaming Revenue Sharing Fund** and deposited to the credit of the *Community Crossings Grant Capital Fund* and shown below:

Acct. No. 091-0000-39999 Local Share Transfer CCMGF:		<u>\$ 181,903.00</u>
	Total Series:	\$ 181,903.00

Section 4. That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby requested to transfer the amount identified herein;

Section 5. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

Section 6. That the money transferred may be expended from the Community Crossings Grant Capital Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 12th Day of August 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2019-22:** An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Vermillion Systems,

Inc., IN through the State of Indiana to purchase Intersection Hi-Def Video system equipment and accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code. *(Subject to the approval of Enactment No. 2019-29).*

Councilor Vassar moved Works Board Order No. 2019-22. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2019-22**

An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Vermillion Systems, Inc., IN through the State of Indiana to purchase Intersection Hi-Def Video system equipment and accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department;

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00 and an opportunity has arisen which enables the department to purchase additional Intersection Hi-Def Video system equipment and accessories;

Whereas, The Metropolitan Police Chief has identified Vermillion Systems, Inc., IN, through the State of Indiana to be a desirable source vendor for the purchase of equipment and supplies at a price of **\$30,000.50**;

Whereas, The Town Board of Metropolitan Police Commissioners voted to support the acquisition and installation of additional Hi-Def video system equipment and accessories at intersection of Ridge Road and Prairie Avenue at its meeting of July 11, 2019;

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department;

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department;

Whereas, The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

Whereas, The Purchasing Agent, for the rationale stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to Section 3.05.065 (I) of the Highland Municipal Code;

Whereas, The purchase of the Intersection Hi-Def Video system equipment and accessories will be supported by appropriations in the **Public Safety Local Income Tax (LIT) Fund**; and,

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Vermillion Systems, Inc., 603 Roosevelt Road, Walkerton, IN, for the purchase of the Intersection Hi-Def Video system equipment and accessories in the amount of \$30,000.00 to be installed at the intersection of Ridge Road and Prairie Avenue pursuant to IC 5-22 and Section 3.05.060 (G) (2) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines the following:

- (A) That Vermillion Systems, Inc. 603 Roosevelt Road in Walkerton, Indiana is the sole source to meet the police departments reasonable requirements for this purchase; and,
- (B) That for this purchase, the compatibility of equipment, accessories or replacement parts is a substantial consideration; and,
- (C) That for the foregoing rationale, this purchase qualifies as a special purchase pursuant to IC 5-22-10 et seq. and HMC Section 3.05.065 (I);

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 12th day of August 2019 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 6. Works Board Order No. 2019-23:** An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee.

Councilor Zemen moved Works Board Order No. 2019-23. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2019-23**

An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee.

WHEREAS, THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, a municipal corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is particularly described in an exhibit attached to this order;

WHEREAS, HELIOS RISING INCORPORATED, a private corporation organized pursuant to the laws of Minnesota (hereinafter sometimes described as Licensee) desires to fix the terms of a license agreement, with similar terms to the one approved by the Town Council April 23, 2018 with the Q3 Contracting Company, governing the granting of a license permitting a construction storage yard on premises of the Town of Highland (sometimes herein described as Licensor) as particularly described herein;

WHEREAS, IC 36-8-2-4 provides that a municipality may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, IC 36-8-2-10 provides that a municipality may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, IC 36-8-2-11 provides that a municipality may regulate solicitation by persons offering goods or services to the public;

WHEREAS, IC 36-7-2-2 provides that a municipality may regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements; and

WHEREAS, The Licensor wishes to grant to the Licensee, a license agreement for permitting a construction storage yard on premises of the Licensor as particularly described herein;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Highland Town Council, Lake County, Indiana as follows:

Section 1. That the **Attached License Agreement**, presented by Q3 CONTRACTING COMPANY, INC., as licensee, to permit a construction storage yard on premises of the Licensor as particularly described herein is hereby approved in each and every respect;

Section 2. That the **TERM OF THE LICENSE SHALL BE** for a period of years as set forth in the licensing agreement set forth herein, and that the licensee initially shall pay *a monthly* license fee to the Licensor in the amount of three thousand dollars (\$3,000), as provided in the terms of the license agreement **beginning August 7, 2019** for an initial license term of four months, and any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty (30) days' prior written notice to the other;

Section 3. That the Town Council hereby finds and determines that the license fee herein approved is reasonably related to the administrative cost of exercising the regulatory power associated with the licensed activity, pursuant to IC 36-1-3-8(a)(5);

Section 4. That the proper officer of the municipality be hereby authorized to execute the License Agreement by the officer's signature.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of April 2018 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA

/s/Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

LICENSE AGREEMENT

THIS LICENSE is made and entered into this day, **2 AUGUST 2019**, by and between HELIOS RISING, INC., located at 1205 S. MISSION STREET, Suite 12, W MOUNT PLEASANT, MICHIGAN 48858, hereinafter referred to as "Licensee", and Town of Highland, located at 3333 Ridge Road, Highland, IN 46322, hereinafter referred to as "Licensor".

WHEREAS, The Licensee is desirous of using the property located at 8001 Kennedy Avenue (Sharp Athletic Complex Parking Lot), the south 100 feet by 175 feet of the existing parking lot ("the Premises") for an initial term of FOUR (4) months beginning **7th AUGUST 2019** for the purposes of construction storage yard and then on a month to month basis thereafter for the sum of \$3,000 per month, and Licensor is willing to license the Premises to Licensee for such purpose. Any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty days' prior written notice to the other.

NOW THEREFORE, for mutual consideration, it is hereby agreed that payment shall be due on the fifth day of each month. The Premises shall be used and licensed for storage of equipment and materials. Notwithstanding the above, the Premises shall not be used for the storage of fuel or other Hazardous Substances, except in the amounts necessary for Licensee's operation of its equipment. For the purposes of this LICENSE, the term "Hazardous Substances" shall mean any material or substance which is regulated by any local, state or federal governmental entity because of its dangerous, hazardous, toxic or flammable characteristics.

Licensee further agrees to indemnify, defend and hold the Licensor harmless from any and all claims for personal injury or property damage that may be brought as a result of the activities of the Licensee on the Premises.

Licensee shall, at its sole cost and expense, comply with all laws, rules, ordinances and regulations of all governing bodies and obtain all necessary permits and licenses as required for the use of the property.

Licensee shall provide and coordinate all street use operations as required by the local authorities having jurisdiction.

Licensee shall indemnify, defend and hold Licensor, its agents, employees, and lenders, harmless from and against any and all loss of rents and/or damages, liabilities, judgments, claims, expenses, penalties, and attorneys' and consultants' fees arising out of or involving any Hazardous Substance brought onto the Premises by or for Licensee, or any third party under the control of Licensee. Licensee shall not bear any responsibility, whether for indemnity or under any other legal theory, and Licensor shall indemnify, defend and hold harmless Licensee and its agents, employees and affiliated companies, for any loss, damage, injury, cost or expense arising out of or in any way related to any Hazardous Substance or Hazardous Substance contamination resulting from any negligent act or omission, willful misconduct or breach of this LICENSE by Licensor or its agents and employees, or any Hazardous Substance or Hazardous Substance contamination at, adjacent to or emanating from the Premises which pre-existed the commencement date of this LICENSE or was otherwise not caused by Licensee's use of the Premises.

Licensee shall provide Licensor with a certificate of insurance showing Licensee's commercial general liability insurance coverage in an amount not less than \$2,000,000 and providing that Licensor is an additional insured on the Licensee's policy.

Licensee shall deposit \$3,000 with Licensor upon execution hereof the Security Deposit as security for Lessee's faithful performance of its obligations under this LICENSE. If Licensee fails to pay License fee, or otherwise Defaults under this LICENSE, Licensor may use, apply or retain all or any portion of said Security Deposit for the payment of any amount already due Licensor, for Rents which will be due in the future, and/ or to reimburse or compensate Licensor for any liability, expense, loss or damage which Licensor may suffer or incur by reason thereof. If Licensor uses or applies all or any portion of the Security Deposit, Licensee shall within 10 days after written request therefor deposit monies with Licensor sufficient to restore said Security Deposit to the full amount required by this LICENSE. Within 30 days after the expiration or termination of this LICENSE, Licensor shall return that portion of the Security Deposit not used or applied by Licensor. No part of the Security Deposit shall be considered to be held in trust, to bear interest or to be prepayment for any monies to be paid by Licensee under this LICENSE.

The Premises have been inspected and are accepted by Licensor and Licensee in their present condition. Licensee shall, at its own expense and at all times, keep the premises neat, clean and in acceptable condition. Licensee agrees to leave the Premises in as clean a condition, or cleaner, than Licensee finds it. Any repairs to Premises, including without limit repairs to the fences, driveway access and landscape to the extent caused by Licensee will be the sole responsibility of Licensee and shall be completed by Licensee prior to the expiration of the term of this LICENSE. Any improvements to the Premises required for Licensee's use shall be the sole responsibility of Licensee.

Upon the execution of this LICENSE, Licensee shall deliver to Licensor the first month's LICENSE payment and deposit in the amount of **\$6,000**.

If Licensee defaults in any of its obligations under this LICENSE, Licensor shall have all rights and remedies available at law or in equity as a result of such default.

Licensee shall take all reasonable steps to maintain security at premises. Licensee will assume all responsibility for the protection of its equipment and materials from theft or vandalism or other hazards. Licensor shall not be responsible for the acts or omissions of any third person, on or off the premises, which directly or indirectly causes any harm to Licensee, its employees, agents, officers, directors, invitees, or contractor, or its/their property, or the property of others.

Licensees shall not assign or hypothecate this LICENSE or any other interest or sublet the Premises or any part thereof.

Licensee shall keep the premises free from any liens arising out of any work performed for, materials furnished to, or obligations incurred by Licensee, and shall hold Licensor harmless against the same. In the event Licensee becomes insolvent, bankrupt, or if a receiver, assignee or other liquidating officer is appointed for the business of Licensee, Licensor may cancel this Agreement at its option.

Licensor warrants to the Licensee that it is either the fee owner of the Premises or has by other means the right to LICENSE the Premises to Licensee and will protect the Licensee from any claims for license fees or damages arising out of any actual or reputed interest in the Premises property by any other person or corporation.

It is hereby mutually agreed and understood that this LICENSE contains all agreements, promises and understandings between Licensor and Licensee and that no prior or contemporaneous verbal or oral agreements, promises or understandings shall or will be binding upon either the Licensor or Licensee in any dispute, controversy or proceeding law, and any addition, variation or modification to this LICENSE shall be void and ineffective unless in writing signed by the parties hereto.

If Licensor and/or Licensee signs as a corporation, the person or persons executing this LICENSE on behalf of Licensor and/or Licensee do hereby covenant and warrant that Each is a valid and existing corporation, that each has and is qualified to do business in the state where the Premises are located, that the corporation has full right and authority to enter into this LICENSE, and that the person or persons signing on behalf of the corporation were authorized to do so. If Licensor and/or Licensee signs as a partnership, the person or persons executing the LICENSE on behalf of each do hereby covenant and warrant that Licensor and/or Licensee is a valid and existing partnership and that the person or persons so executing and initialing as required in this Section have authority to do so on behalf of each in accordance with the Partnership Agreement, and that this LICENSE is binding upon each in accordance with its terms and enforceable against the assets of the partnership and the general partners, individually.

THIS LICENSE AGREEMENT is signed by the parties as of the date hereinabove recited.

(LICENSEE)

HELIOS RISING, INCORPORATED

By: _____
Title: Brent Curtiss, Vice President

By: _____
Title: Pierce L. Butler, Director/Officer

(LICENSOR)

TOWN of HIGHLAND
PUBLIC WORKS DEPARTMENT

By: _____
John M. Bach, Public Works Dir.

7. **Commendation Letter for Day Off and Signature Authorization.** Action to approve Letters of Commendation for exemplary public service leading to the award of a single paid day off for several workers in the **Metropolitan Police Department**. Pursuant to **Section 4.13** of the Compensation and Benefits Ordinance, for the day off to be effective requires the approval of the board of jurisdiction and the Town Council. The Town Board of Metropolitan Police Commissioners has granted preliminary approval to several letters of commendation regarding several employees who have worked six months without calling off sick and without experiencing an “at fault accident”.

Action should include approval for the members of the Town Council to sign the letters of commendation.

The Police Chief and the Town Board of Metropolitan Police Commissioners are asking for approval of a letter of commendation for six months of work without calling off and not having an at-fault accident for the following:

*Chief Peter Hojnicky
Assistant Chief Pat Vassar
Commander Ralph Potesta
Sergeant Glenn Cox
Corporal Erich Swisher
Corporal Jason Hildenbrand
Corporal Brian Stanley
Corporal Michael Yonkman
Lance Corporal Christopher Balbo
Lance Corporal John Hinkel*

*Officer Richard Hoffman
Officer Daniel Matusik
Detective Lee Natelborg
Detective Anthony Kowal
Detective Darren Conley
Officer Frank Peckler
Officer Nicholas Vanni
Officer Luke Paprocki
Officer Joel Sullivan
Officer James Mullins*

Councilor Herak moved to approve the letters of commendation for every police officer mentions except Assistant Chief Pat Vassar and to authorize the Town Council members to each affix the councilor’s signature on the letters. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Letters of commendation with the signatures of the Town Councilors for each of the officers listed except Assistant Chief Pat Vassar were approved.

Councilor Herak moved to approve the letters of commendation for Assistant Chief Pat Vassar and to authorize the Town Council members to each affix the councilor's signature on the letter. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Kuiper and Wagner voting in the affirmative and Councilor Vassar abstaining, the motion passed. A letter of commendation with the signatures of the Town Councilors for Assistant Chief Pat Vassar was approved.

8. Pursuant to Section 6.03.08 of the Compensation and Benefits ordinance, commonly called the Municipal Employee Handbook, action to authorize a part-time worker as a select part-time worker who is also an eligible employee for the purposes of §6.03 and §6.03.06.

The Public Works Director recommends the authorization for the new hire as a Utility Services Representative to remain a select part-time worker and eligible employee, who is regularly scheduled 30 hours a week.

The Building Commissioner recommends the authorization for the new hire as Code Enforcement Officer to remain a select part-time worker and eligible employee, who is regularly scheduled 30 hours a week.

Councilor Herak moved to approve the department heads' recommendations and to authorize each new hire above to be a select part-time worker and eligible employee. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The two positions were approved for as select part-time positions and the persons as eligible employees.

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner who offered a survey of matters pending before the Plan Commission, which included a senior living facility proposed by Russel group, seeking a rezoning for property next to Strack and Van Til's on Cline Avenue.

Councilor Dan Vassar: *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Recreation Director who offered a cursory overview of events supported by or under the aegis of the Parks and Recreation Department, which included the recent conclusion of its annual Summer Day Camp program and the Movie in the Park: Willie Wonka.

The Recreation Director further reported that the Fall/Winter Program Brochure could be expected to be distributed next week.

Councilor Vassar complimented and thanked the Redevelopment Director and the department for its execution of its second annual "Last Call for Summer" event.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak wished Councilor Vassar a happy birthday.

Councilor Herak acknowledged the Public Works Director who reported on public works projects, including the progress on Community Crossing Grants funded projects.

With leave from the Town Council, Councilor Herak engaged in a colloquy with the Public Works Director regarding work being undertaken by NIPSCO and the placement of its telephone poles for power lines along Kennedy Avenue, noting in some cases the poles were located in the middle of the sidewalks.

The Public Works Director indicated that the department was aware of this issue and intended to have a remedy for it working with NIPSCO.

Councilor Herak also complimented the Redevelopment Director and the Redevelopment Department for its recent execution of the "Last Call for Summer" event.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who offered a recent survey of the recent incidents to which the department responded. The Chief noted that the department responded to and assisted with a fire episode in the Town of Dyer. The Fire Chief also reported that the department was examining ways to make the telephone system have some redundancy.

- **Councilor President Steve Wagner:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Advisory Board of Zoning Appeals Liaison.*

The Town Council President commended the municipal workforce for an workplace incident or accident free June.

The Council President acknowledged the Building Commissioner who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

The Town Council President also lauded the Redevelopment Commission for the "Last Call for Summer" event.

Comments from Visitors or Residents:

1. Larry Kondrat, 8115 4th Place East, Highland, posed a series of rhetorical examples in which a person was described as having violated a municipal ordinance and then asked whether the violator should be fined. Mr. Kondrat offered this as context to inquire about any progress in the draining control compliance for the Hillside Funeral Home, 8941 Kleinman Road, Highland. Mr. Kondrat noted that Councilor Kuiper was an owner of the site.

The Town Council President indicated that he understood that measures were being taken to bring the site into compliance.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 23, 2019 through August 12, 2019 as well as ratifying the payroll dockets for the payday of July 19.

Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified including the payroll dockets, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$307,884.54; Motor Vehicle Highway and Street (MVH) Fund, \$22,367.90; Local Road and Streets Fund, \$21,959.06; Law Enforcement Continuing Education and Training and Supply Fund, \$1,586.12; Flexible Spending Account Agency Fund, \$816.24; Information Communications Technology Fund, \$8,314.26; Indiana Bicentennial Legacy Project Fund, \$681.31; Special Events Non Reverting Fund, \$3,265.50; Municipal Cumulative Capital Development Fund, \$205,849.79; Traffic Violations and Law Enforcement Agency Fund, \$4,500.00; Gaming Revenue Sharing Fund, \$15,255.90; and Public Safety Local Income Tax Fund, \$41,325.00; Total: \$663,814.06.

Payroll Docket for payday of June 21, 2019:

Council, Boards and Commissions, \$8,440.06; Office of Clerk-Treasurer, \$15,749.69; Building and Inspection Department, \$7,278.41; Metropolitan Police Department, \$122,724.33; Fire Department, \$34,089.80; Public Works Department (Agency), \$70,124.96; and Police Pension, \$69,593.17. Total Payroll: \$328,000.42.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular (rescheduled) plenary meeting of the Town Council of Monday, August 12, 2019 was adjourned at 7:35 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2019.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer